IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 6TH JULY 2007 / 15TH ASHADHA 1929

WP(C).No. 19923 of 2007(V)

PETITIONER:

THOTTAVARAM XAVIER,
PANDARATHOTTATHU VEEDU,
THOTTAVARAM, PERUMKADAVILA - P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.S.RAJASEKHARAN NAIR
SRI.RAJU SEBASTIAN VADAKKEKKARA

RESPONDENTS:

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1. THE SECRETARY TO GOVERNMENT,
AGRICULTURAL (DAIRY DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR,
DAIRY DEVELOPMENT DEPARTMENT,
PATTOM, THIRUVANANTHAPURAM.

3. THE THOTTAVARAM MILK PRODUCERS
CO-OPERATIVE SOCIETY LTD., NO.110(D),
THOTTAVARAM, PERUMKADAVILA P.O.,
THIRUVANANTHAPURAM.

4. RETURNING OFFICER,
THOTTAVARAM MILK PRODUCERS,
CO-OPERATIVE SOCIETY LTD.NO.T.110(D),
PERUMKADAVILA P.O., THIRUVANANTHAPURAM.

BY GOVT. PLEADER SMT. ANU SIVARAMAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.19923 of 2007

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Dated this the 6th day of July, 2007

JUDGMENT

Case of the petitioner in brief is as follows:

Petitioner is the former President of the third respondent. He was removed from the Managing Committee for the reason that in the year 1984 he has taken advance for conducting a Milk Producers Mela. No vouchers were given. An award was passed against him, but the amount was not paid. General Body of the Society held on 29.9.1998 passed a resolution allowing the petitioner to pay the money in 30 instalments. The third respondent refused to accept the amount even though petitioner approached with amount. Second respondent cancelled the decision of the General Body by Ext.P4 order. Petitioner preferred appeal. By Ext.P6 it was dismissed. Then petitioner filed Ext.P7 to review the order. As no order was passed, petitioner approached this court with O.P.11153 of 2001 for a direction to quash Ext.P6 and to reinstate the petitioner as member of the Managing Committee on 26.2.2002. The Original Petition was disposed of

directing the first respondent to consider Ext.P7 in case the matter is still alive. Thereafter election was notified. Petitioner brought the same to the attention of the first respondent and requested him to dispose of Ext.P7 urgently. But no decision was taken. Petitioner submitted nomination. It was rejected. It is illegal, it is contended. Petitioner had submitted review petition on 3.12.1999. Matter was protracted with an intention to deny petitioner's entry to the Managing Committee. Petitioner submitted Ext.P9. It appears to be in the nature of a reminder.

2. I heard learned Government Pleader also.

As far as the rejection of the nomination paper is concerned, I feel that this is a case where the petitioner can approach the authority under Section 69 of the Act. I do not think that this is a case where interference is necessary under Article 226 of the Constitution. As far as the prayer for a direction to take a decision on Ext.P7 is concerned, I feel that the matter is governed by a judgment and case is of non-

compliance. It is for the petitioner to file contempt, if he is so advised.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

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